



In: KSC-SC-2025-05/CS003

Before: The President of the Specialist Chambers

Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 2 February 2026

Language: English

Classification: Confidential

**Decision on Commutation, Modification or Alteration
of the Sentence of Mr Haxhi Shala
with Confidential and *Ex Parte* Annexes**

Specialist Prosecutor

Kimberly P. West

Convicted Person

Haxhi Shala

THE PRESIDENT of the Specialist Chambers (“President”), noting Article 51(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 196 and 197 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), and Articles 3, 6, and 9 to 11 of the Practice Direction on Commutation of Sentences (“Practice Direction”), having consulted the Judges of the sentencing Panel, hereby issues this decision on commutation, modification or alteration of Mr Haxhi Shala’s (“Mr Shala”) sentence.

I. PROCEDURAL BACKGROUND

1. On 11 December 2025, the President issued the “Decision on Commutation, Modification or Alteration of the Sentence of Mr Haxhi Shala with Confidential and *Ex Parte* Annexes” (“the 11 December 2025 Decision”), in which she found, *inter alia*, that modifying Mr Shala’s sentence was not appropriate at that time because he failed to express remorse and disassociate himself from the offences he was convicted for.¹ Accordingly, the President ordered the Registrar to provide a further report on 11 February 2026, reflecting on the information stipulated in Rule 196(3) of the Rules, including any clear and genuine dissociation of Mr Shala from the crime for which he was convicted.²

2. In the 11 December 2025 Decision, the President considered a number of factors that may weigh in favour of modification of Mr Shala’s sentence to allow for release on certain conditions.³ In particular, the President noted that: (i) Mr Shala has shown some signs of rehabilitation; (ii) Mr Shala’s positive family relationships, stable living environment and extended social network indicate a reasonable prospect of resocialisation and successful resettlement in Kosovo, should he be released; (iii) the

¹ F00003, Decision on Commutation, Modification or Alteration of the Sentence of Mr Haxhi Shala with Confidential and *Ex Parte* Annexes, 11 December 2025 (“11 December 2025 Decision”), para. 66. A detailed procedural background is provided in the 11 December 2025 Decision, paras 1 - 10.

² 11 December 2025 Decision, paras 68, 70.

³ 11 December 2025 Decision, para. 67.

likelihood that his release would give rise to significant social instability in Kosovo is low; and (iv) V01/10 has not expressed any opposition to the prospect of Mr Shala's release.⁴ The President further notes that Mr Shala has indicated that, while he deems release conditions unnecessary, he will consent to any such conditions that the President deems suitable.⁵

3. On 23 January 2026, the President received a letter from Mr Shala dated 20 January 2026 ("Letter"), wherein he expressed his regret to anyone who may have suffered harm as a result of his actions.⁶

4. On 27 January 2026, and considering Mr Shala's letter, the President invited the Registrar to submit her report by 30 January 2026,⁷ which was provided on that day ("Further Report").⁸

II. SUBMISSIONS

5. In his letter, Mr Shala submits that, having entered a plea agreement and upon serving two-thirds of his sentence, he expected the President to commute his sentence. He further submits that he was not adequately informed that he was required to express any regret for his conduct beyond his guilty plea and understood that he could do so at an oral hearing.⁹ Mr Shala therefore stated that "on this occasion, and as many times as it will be necessary, I would like to express my regret to anyone who may have suffered harm as a result of my actions, including any victim in my case."¹⁰

⁴ 11 December 2025 Decision, para. 67.

⁵ 11 December 2025 Decision, para. 67.

⁶ Annex 1 (Confidential).

⁷ Annex 2 (Confidential).

⁸ Annex 3, Further Requested Information Related to Article 5 of the Practice Direction on Commutation of Sentence Concerning Mr Haxhi Shala, 30 January 2026 ("Further Report") (Confidential and *Ex Parte*).

⁹ Annex 1 (Confidential).

¹⁰ Annex 1 (Confidential).

6. In her Further Report, the Registrar submits that since her previous report, Mr Shala has not had any caution or disciplinary sanction issued against him and that the circumstances from the previous report have not changed.¹¹ She also informed the President that following the distribution of the documents to Mr Shala in her Further Report, he did not have any comments on those documents.¹²

7. The Specialist Prosecutor's Office ("SPO") submits that its position since their last submissions is unchanged and that there should be no commutation of the sentence imposed on Mr Shala, noting that there has been no substantial cooperation with the SPO and Mr Shala.¹³

III. ANALYSIS

8. The President recalls her previous finding that a commutation of Mr Shala's sentence is not appropriate,¹⁴ but that several factors weigh in favour of a possible modification of his sentence, albeit with conditions.¹⁵ She considered that such modification was inappropriate at the time, given that Mr Shala had chosen not to express remorse or demonstrate any genuine dissociation from the offences of which he was convicted.¹⁶

9. The President is mindful that Mr Shala was not always willing to disassociate himself from the offences for which he was convicted, despite the multiple opportunities that he was provided for such an expression, either orally at the plea agreement hearing or in writing.¹⁷ However, the President notes Mr Shala's expressions of regret in his Letter on 20 January 2026. The President observes that Mr Shala's expression of regret is embedded in explanations of misunderstandings on

¹¹ Further Report, Annex 3 (Confidential and *Ex Parte*).

¹² Annex 5 (Confidential).

¹³ Annex 4 (Confidential).

¹⁴ 11 December 2025 Decision, para. 64.

¹⁵ 11 December 2025 Decision, para. 67.

¹⁶ 11 December 2025 Decision, para. 68.

¹⁷ 11 December 2025 Decision, para. 68.

his part or inadequate explanations that, in addition to the plea agreement, he had to additionally express regret for his conduct. The President further notes that Mr Shala “expected” to be released following his plea agreement and serving two-thirds of his three-year sentence.¹⁸

10. As held on several occasions, the President emphasises that convicted persons before the Specialist Chambers only become eligible for *consideration* of commutation of sentence upon having served two-thirds of their sentence and that eligibility denotes *consideration only and not an inherent right* to commutation.¹⁹

11. With respect to Mr Shala’s expression of regret, the President notes that Mr Shala wrote the Letter on his own motion and without legal assistance, following a period of reflection after the issuance of the 11 December 2025 Decision. Even though the President understands that his expression of regret may be motivated by the wish to be released and to reunite with his family, the President still considers that his letter demonstrates signs of a genuine dissociation from the crimes of which he was convicted.

12. The President recalls that the offences for which Mr Shala was convicted are grave, and that while he has shown signs of disassociation from his offences and also signs of rehabilitation, it is important to ensure that by way of abiding by the conditions specified in paragraph 13 below, Mr Shala continues a path towards full rehabilitation and disassociation from his conduct for which he was convicted.

13. Having considered the totality of the information before her, the President is of the view that Mr Shala’s sentence may be modified by ordering his release, albeit with the following specific conditions:²⁰

¹⁸ Annex 1 (Confidential).

¹⁹ See 11 December 2025 Decision, para. 11.

²⁰ See Article 51(2) of the Law in conjunction with Articles 3(1) and 10 of the Practice Direction.

- a) assurance of permanent residency at the home address set forth in Mr Shala's Submissions;²¹
- b) notification to the Registrar and to the police station identified by the Registrar of any relocation of the permanent residence, subject to permission thereof granted by the President;
- c) weekly reporting to the police station identified by the Registrar;
- d) surrender of Mr Shala's current and future passport(s) or travel documents to the Registrar;
- e) to remain in Kosovo and to notify the Registrar of any wish to travel outside Kosovo and request for permission thereof to be granted by the President;
- f) refraining from any contact or communication with (potential) witnesses or victims before the Specialist Chambers and the SPO;
- g) refraining from making any direct or indirect (himself or through others) public statements about the Specialist Chambers and the SPO;
- h) requesting permission and approval from the Registrar in the event of conducting an interview or any other contact with the media as provided for in the Practice Direction on Detainees, specifically on media communications;
- i) abiding by any decision or order of the Specialist Chambers; and
- j) refraining from making negative, violent, intimidating, threatening or coercive comments towards or about (potential) witnesses or other persons who are at risk on the account of their cooperation with the Specialist Chambers, officials of the Specialist Chambers or the SPO.

²¹ F00002, Haxhi Shala Submission in Respect of Commutation, Modification or Alteration of Sentence ("Mr Shala's Submissions"), 1 December 2025 (confidential).

14. The above conditions shall apply to Mr Shala upon his release in accordance with Rule 196(4) of the Rules and Article 11(1) of the Practice Direction, for the remainder of the duration of his three-year sentence, namely until 11 December 2026.²²

15. The President further emphasises that any failure by Mr Shala to comply with the conditions set forth in paragraph 13 shall result in the revocation or modification of the present decision in accordance with Article 11(2) of the Practice Direction.²³

16. For reasons of operational security and a secure transfer, the President considers that Mr Shala shall only be informed of this decision upon the commencement of his transfer on or around 11 February 2026.

17. Finally, given that the sentence of Mr Shala could be modified, any consideration for an alteration of his sentence is moot.

IV. DISPOSITION

18. In view of the above, the President hereby:

DECIDES to modify Mr Shala's sentence by releasing him with the conditions set forth in paragraph 13 above;

ORDERS Mr Shala to abide by the conditions set forth in paragraph 13 above;

ORDERS the Registrar to take all necessary measures that Mr Shala is adequately informed of the conditions set forth in paragraph 13 above;

DECIDES that, subject to the transfer arrangements by the Registrar, Mr Shala be released on or around 11 February 2026 to his permanent residence at the home address set forth in Mr Shala's Submissions;

²² See Article 11(1) of the Practice Direction.

²³ See Article 11(2) of the Practice Direction.

ORDERS the Registrar to ensure the transfer of Mr Shala to his home address as set forth in Mr Shala's Submissions, and to notify him of his transfer shortly before the start thereof;

ORDERS the Kosovo police or any other authority of Kosovo to cooperate pursuant to Article 51(1) of the Law with the Registrar on the enforcement of the conditions set forth in paragraph 13 above and to provide a monthly report to the Registrar on the adherence by Mr Shala to the condition set forth in paragraph 13 above;

ORDERS the Registrar to report to the President until the conclusion of Mr Shala's sentence on 11 December 2026, on a three-month basis on the adherence of Mr Shala to the conditions set forth in paragraph 13 above or sooner if a breach of any of the conditions has occurred;

ORDERS the Court Management Unit to reclassify this decision as public upon confirmation from the Registrar of Mr Shala's arrival at his designated location of release; and

ORDERS the Registry to serve this decision on Mr Shala and the SPO only upon confirmation of Mr Shala's arrival in Kosovo.



Judge Ekaterina Tredafilova,
President of the Specialist Chambers

Dated this Monday, 2 February 2026
At The Hague,
The Netherlands